HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1297 (M/S) of 2005

Kichha Sugar Company ltd.,
Kichha District Udham Singh Nagar,
through its Executive Director .....Petitioner

Versus

1. Motor Accident Claim Tribunal/Additional District Judge/Fast Truck Court, Udham Singh Nagar.
2. Sameer Ahmed S/o Sri Ameer Hussain,
3. Smt. Rizavan W/o Sameer Ahmed
4. Km. Shabana D/o Sameer Ahmed (Minor)
5. Master Najir S/o Sameer Ahmed (Minor)
6. Km. Nisha D/o Sameer Ahmed (Minor)
7. Km. Parveen D/o Sameer Ahmed
8. Km. Muskan D/o Sameer Ahmed

All resident of Bhadaipura, Ward No.4, Rudrapur, District Udham Singh Nagar .....Respondents

Dated 25.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for quashing the order dated 28.10.2005 by which the evidence has been closed and the application 48-C has been rejected.

Briefly stated, a claim petition was filed by the respondents No. 2 to 8 for getting compensation. During the pendency of the claim petition the list of evidence was filed out of which statement of some of the witnesses were recorded and some witnesses were to be recorded in

future. On 21.10.2005 the Advocate Could not appear and as such right to lead the evidence was closed. However. On 28.10.2005 an application was moved for permitting the petitioner to produce the remaining witnesses for ends of justice, but the said application has been rejected.

In view of the aforesaid, writ petition is allowed. The order dated 28.10.2005 is quashed. The Presiding Officer shall proceed and hear the case after examining the witnesses.

Writ petition is allowed. No order as to costs.

Dated 25.7.2006 Rajesh Tandon, J.